

SAFE AIR CHARTER



Q You just got your private pilot certificate...the ink is still wet. A buddy wants you to fly him and his girlfriend to Key West, he says he will pay for the rental of the aircraft. Can you take this flight?

A No. This flight requires a commercial operating certificate and a higher level pilot certificate because it is air transportation. Note: earning flight-time is compensation too.



Q What is a demonstration flight and what isn't?

A The purpose of a "true" demonstration flight is to demonstrate an aircraft to a prospective customer. Demonstration flights cannot be used to provide air transportation, unless the operator is certified under part 119. A typical illegal 'demonstration' flight is one where the operator is not demonstrating the aircraft to a prospective customer or the passenger is not considering purchase of the aircraft but rather has obtained air transportation.

Q Where can I find regulations on what I can do with my commercial pilot certificate without a Part 119 certificate?

A 14 CFR §119.1 (e) lists exceptions to the need for a Part 119 certificate. Be careful though...119.1 (e) has some conditions and limitations that you must follow to be legal. Additionally, 61.113 addresses private pilot privileges and limitations.



Q Can I fly Part 91 for the owner of an aircraft as a commercial pilot?

A Yes, as long as the owner does not receive compensation for the transportation of passengers or property on any of the flights. Although the 'owner' delegates functions of operational control to you –the corporate pilot, the 'owner' still has full legal responsibility for your actions.



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Q So... you have just (today) earned your commercial pilot certificate! Congratulations! I (the Designated Pilot Examiner (DPE) that just issued your new pilot certificate) need to fly to an airport 25 miles away. I will only be there for 1 hour, and will need you to fly me back. I will pay you \$100 plus the cost of the rental airplane. What will you say?

A **No. While a commercial pilot certificate grants you the privilege to carry persons or property for compensation or hire, you must also meet the requirements of the applicable parts (e.g. Part 119; 133, 135, 137 etc.) of the regulation. This means that you might need to obtain an operating certificate or fly for someone with an operating certificate (e.g., an air carrier).**



Q You are a flight instructor and also an air tour pilot. The 'boss' of the air tour says you can conduct a tour and give flight instruction at the same time. That way, you are not limited to the 25 mile limitation of the tour. What will you say?

A **No. Part 119.1 (e) allows for flight instruction or air tours operated in conjunction with 91.147, however mixing is not allowed. The test will be what the passengers' purpose was...a tour...or flight instruction...cannot be both.**



Q While talking about a flight you are planning to take to Las Vegas from Van Nuys, CA, a friend of yours asks if you can fly him/her to Phoenix on your way to KLAS. He/she offers to share expenses per 61.113 for the flight to Phoenix and then you can continue to Las Vegas. What will you say?

A **No. Part 61, 61.113 (c) allows sharing costs only if there is a common purpose for the flight. I, the pilot, do not have a purpose to go to Phoenix. FAA Advisory Circular 61-142 is a great resource for this question!**

And...the graduation question!

Q In an attempt to earn money to afford his/her aircraft, the owner decides to dry-lease the aircraft to other local businesses. The owner hires the best aviation attorney money can buy and the dry-lease(s) are rock solid. The aircraft owner tells you that it appears things will be picking up and a couple leases have been signed. The owner tells you that you have a trip, tomorrow at 8:00am in a dry leased aircraft. Are you safe/legal to take the flight?

A **No. The purpose of a lease agreement is to transfer operational control and legal responsibility to the lessee. The 'test' would be whether the lessee truly has operational control, or if operational control remained with the owner/lessor. An additional problem would be the apparent lack of independent pilot selection by the lessee. This scenario appears to describe a wet-lease, whereby the lessor provides/schedules the aircraft AND provides/schedules you, the pilot. A Part 119 certificate would be required. See FAA Advisory Circular 91-37B.**



Additional Resources

www.faa.gov/go/safeaircharter

[AC 91-37B Truth in Leasing](#)

[AC 120-12A Private Carriage Versus Common Carriage of Persons or Property](#)

[AC 61-142 Sharing Aircraft Operating Expenses in Accordance with 14 CFR § 61.113 \(c\)](#)



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